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From: Commandant
To: Distribution

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Subj: INTERIM POLICY REGARDING APPLICATION OF DEPARTMENT OF DEFENSE
QUANTITY DISTANCE CRITERIA IN CONSIDERING PERMITS FOR
TRANSFERS OF CLASS 1 (EXPLOSIVE) MATERIALS

Ref: (a) Marine Safety Manual, Volume 6, Chapter 1-L
(b) Commandant (G-MOC) Policy Letter 99-002 dated July 15, 1999
(c) Intermodal Explosives Working Group Report, February 2003

1. PURPOSE. This policy letter provides Captain's of the Port (COTP's) with additional guidance to be used in determining whether or not to issue a permit for the transfer of Class 1 (explosive) materials at ports and facilities within their jurisdiction.
2. DISCUSSION. Reference (a) provides COTP's with general guidance regarding the issuance of permits for handling of explosives at ports and facilities within their jurisdiction. A permit is required for handling explosives in hazard divisions 1.1 and 1.2, and in some cases, division 1.5. In the past, COTP's have considered several factors in permitting decisions, however, most have required strict adherence to the Department of Defense Explosive Safety Board's (DDESB) Quantity-Distance criteria as contained in reference (a) and modified by reference (b). The basic quantity-distance criteria contained in the DOD Ammunition and Explosives Safety Standards (DOD 6055.9-STD) do not take into account risk reduction factors such as improved packaging and handling techniques. These improvements may have significantly reduced the risk of an explosive event at a port or facility and have been taken into account in a mostly qualitative manner through reference (b). The ultimate goal, however, is to move to an entirely risk-based decision-making process using software currently under development by the DDESB. Since an adapted and tested version of this software may not be available for some time, the Hazardous Materials Standards Division is currently working with the Human Element and Ship Design Division to develop a risk-based decision making matrix that can provide more specific and uniform guidance to the field. Until this matrix can be fully developed and validated, the interim guidance contained herein is provided to COTP's for their use in considering applications for the transfer of class 1 materials requiring a permit. This guidance is based primarily on reference (c) which provides the report of a working group sponsored by the DOT Research and Special Programs Administration's Office of Hazardous Materials Safety and Commandant (G-M). Reference (c) is available at RSPA's Hazmat

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website <http://hazmat.dot.gov> and provides further background and guidance for several of the areas of consideration addressed in the Action paragraph which follows.

3. ACTION. Upon receipt of an Application for Permit to Handle Hazardous Materials (Form CG-4260), the Captain of the Port shall take the following actions:

a. Determine if the proposed transfer meets the applicable quantity-distance requirements contained in references (a) and (b). If the transfer in question meets quantity-distance requirements, a permit should be issued.

b. Should it not be possible to meet the quantity-distance requirements through reasonable modifications to the operation, COTP's shall consider the following factors prior to denying a permit application:

(1) The degree of public exposure. For instance, a relatively low population density at the periphery of the exposure zone poses less risk than a high population density in major portions of the exposure zone

(2) Acceptance of risk by the local community. The local community (through their political leadership) may actively communicate support for explosives unloading operations when there are economic benefits to the community. This acceptance of risk should be given appropriate consideration; however, it is incumbent for the COTP to ensure there is a full understanding of the nature of the risks involved when such views are expressly stated.

(3) Other hazardous materials that may be present in port in significant quantities and pose added risk of initiating an explosives event (e.g., flammable materials) or that would magnify the effects of an explosion (e.g., toxic materials).

(4) Critical infrastructure within the port area that might be affected.

(5) Development and use of sound industry practices.

(6) The overall system risk of alternatives. For example, transportation of explosives long distances by highway may pose risks an order of magnitude or more higher than those avoided if use of a closer port is denied. Alternatives must be realistic and credible.

(7) Cost is a factor. Imposition of measures that involve extraordinary costs to avoid an insignificant risk should be avoided. Benefit-cost is a factor in the justification of regulations. One should be cognizant of the value of eliminating the level of risk that may be present and whether this is in the range of DOT guidelines on the value of a human life.

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(8) Security considerations. These should be factored into any decision. What is considered acceptable at one MARSEC Condition may be unacceptable at higher MARSEC levels.



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